

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

LLOYD NEIL POPE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-07-1333-F
	)	
DAVID MILLER, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Lloyd Neil Pope, a state prisoner appearing *pro se* and *in forma pauperis* whose pleadings are liberally construed, brings this civil rights action pursuant to 42 U.S.C. § 1983.

Magistrate Judge Gary M. Purcell's Second Supplemental Report and Recommendation of June 19, 2008 is before the court. (Doc. no. 52, "the Report.") In his Report, the Magistrate Judge recommends that, with respect to the issue of exhaustion of administrative remedies, the defendants' motion alternatively seeking dismissal of the action or summary judgment be considered a motion for summary judgment pursuant to Rule 56, Fed. R. Civ. P. The Report further recommends that the motion for summary judgment be granted and that judgment issue in favor of defendants and against plaintiff.

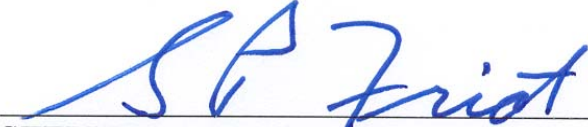
Plaintiff has objected to the recommendations contained in the Report. (Doc. no. 54.) As required by 28 U.S.C. § 636(b)(1), the court has reviewed all objected to matters *de novo*.

Having concluded that review, and after careful consideration of plaintiff's objections, the record, and the relevant authorities, the court finds that it agrees with

the Report of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff's objections to the Report are **DENIED**, and the Second Supplemental Report and Recommendation of Magistrate Judge Purcell is **ACCEPTED, ADOPTED**, and **AFFIRMED** in its entirety. Defendants' motion for summary judgment (doc. no. 45) is **GRANTED**, and judgment will be entered in favor of defendants, and against plaintiff.<sup>1</sup>

Dated this 22<sup>nd</sup> day of July, 2008.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The court also notes the filing by plaintiff at doc. no. 57 concerning a stapler. Because of the nature of the document, the document has been docketed as a notice rather than as a motion. Whether the document is considered a notice, a motion, or a supplement to plaintiff's objections to the Report, nothing stated in the document changes any rulings stated in this order.